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10/636,128	08/07/2003	Thomas W. Hathaway	2003P04172 US01	2392

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EXAMINER

THERIAULT, STEVEN B

ART UNIT	PAPER NUMBER
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2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/636,128

Applicant(s)

HATHAWAY, THOMAS W.

Examiner

Steven B. Theriault

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/05, 08/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communications: Non-provisional application filed 08/07/2003 with an information disclosure statement on 08/2003 and 10/2005 and claims the benefit of provisional application 60/456,305 with a filing of 03/20/2003.
2. Claims 1 -30 are pending in the case. Claims 1, 12, 15, 20-24, and 28 are the independent claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 28- 30 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

With regard to **claims 28 –30**, the additional limitation “perceiving the user-defined help message according to a creation time in the help log” appears to be directed to a user or human step or interaction with the interface where the measurement or determination of when or how the user perceives the creation time is directed to human senses and would be at best an abstract idea and is interpreted by the examiner as directed towards non-statutory subject matter. The sensory ability of each user can be different and a question arises as to the concrete, tangible result of perceiving the sensory cue as claimed. Perhaps the applicant meant to suggest that the user selection or machine operation is observed as the icon or graphical element displays an event to the user that can be selected and is visible to the user.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C 101

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(nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

4. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Sullivan et al. (hereinafter Sullivan) U.S. Patent No. 6, 999, 990 issued Feb. 14, 2006 and filed May 12, 1999.**

In regard to **Independent claim 1**, Sullivan teaches a system for providing help information supporting user operation of at least one executable application, comprising:

- An interface processor for receiving: user entered data representing a help message conveying help information (Sullivan Figures 4-5 and column 7, lines 55-67 and column 8, lines 1-18)
Sullivan shows the user selecting and entering a help message and an interface processor that runs a map routine to determine from the users entry the appropriate course of action to take.
- A creation time indicator identifying a creation time of said message (Sullivan column 12, lines 15-20 and Figure 19 and column 14, lines 20-25). Sullivan clearly shows the creation time indicator showing when the message was created (See Figure 19, 160).

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- An identifier for identifying a help information repository associated with said message (Sullivan Figure 19) Sullivan shows numerous identifiers classifying the information into a category. (E.G. Incident ID, Windows 98 Diagnostics label, etc
- A data processor for storing said message conveying help information in said help information repository in order of creation by using said creation time indicator (See figure 12 and 19) Sullivan shows the processor displaying the journal information in order based on date.

With respect to **dependent claim 2**, Sullivan teaches the system wherein said interface processor comprises a search operation, said search operation allows a user to search any help information repository (See figure 17, #152 and Figure 7, 88) Sullivan shows a process of allowing a user to search through any information repository.

With respect to **dependent claim 3**, Sullivan teaches the system wherein said data processor deletes said message (See column 14, lines 30-32).

With respect to **dependent claim 4**, Sullivan teaches the system wherein said creation time indicator includes a creation date indicator and said data processor stores said message conveying help information in said help information repository in order of creation by using said creation time and date indicator (Sullivan figure 12 and 19) Sullivan expressly shows the information for the given incident organized and displayed by both creation time and date (See 07-dec-98, 6:17:29 creation time and date).

With respect to **dependent claim 5**, Sullivan teaches the system wherein said interface processor receives said help message in response to user entry of said data representing said help message using a help window generated in response to user selection of a help icon presented in a displayed user interface image employed by said executable application and said help information repository comprises records of help messages associated with at least one of: (a) said displayed user interface image and (b) an image element in said displayed user interface image (Sullivan column 7, lines 34-

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40). Sullivan teaches the interface seen by the analyst is presented with the help message after the user has selected the help message icon.

With respect to **dependent claim 6**, Sullivan teaches the system wherein individual displayed user interface images employed by said executable application are associated with corresponding individual information repositories comprising records of help messages concerning a corresponding displayed user interface image (See column 15, lines 15-67) Sullivan teaches the advantage to see all of the user messages for a given topic as they are related to a given incident and also Sullivan teaches that notes from one type of incident can be linked to another incident.

With respect to **dependent claim 7**, Sullivan teaches the system wherein said help information repository associated with said help message comprises at least one of: (a) a web page, (b) a journal, (c) a database, (d) a record and (e) a system, of help information and said help information repository is accessible by users of said executable application (Sullivan Figure 19 and column 14, lines 1-37) Sullivan teaches a journal, and a repository of information that is accessible to the user (See figure 7) and a database (See column 6, lines 50-67).

With respect to **dependent claim 8**, Sullivan teaches the system wherein said creation time of said help message comprises at least one of: (a) a time associated with receipt of said help message by said interface processor in response to user data entry, (b) a time associated with incorporation of said help message in said help information repository, (c) a time associated with entry of said help message by a user, (d) a time associated with communication of said help message to said help information repository and (e) a time associated with receipt of said help message by said help information repository (Sullivan figure 12) Sullivan shows the time associated with the entry of the help message. Sullivan also shows the last modified field (See figure 13), which is a time in response to a data entry. Sullivan further shows the time associated with the communication of the help message to the repository (See figure 18, Date column).

With respect to **dependent claim 9**, Sullivan teaches the system wherein said data processor stores said help message conveying help information in said help information repository together with at least one of: (a) an indicator identifying a displayed user interface image associated with said help message, said user interface image being employed by said executable application, (b) a repository section identifier, (c) a sequence number identifying a message sequence within a repository section, (c) a help message creation time or date indicator, (d) information identifying a user creating or updating said help message, (e) a time or date indicator indicating expiration of validity of said help message (Sullivan Figure 19) Sullivan shows a creation time and date indicator. Sullivan also shows an indicator associated with the help information in the icons on the left of the given entries. Sullivan also shows the last modified field, which is an indication of an updating entry to the record.

With respect to **dependent claim 10**, Sullivan teaches the system wherein said repository section identifier identifies that said help message is to be stored in a repository section comprising at least one of: (a) a repository section accessible to all users, (b) a repository section accessible to an administrator, (c) a repository section accessible to an organization operating said executable application and (d) a repository section accessible to an organization owning said executable application (Sullivan column 14, lines 1-67). Sullivan teaches that a system analyst can access the journal of help messages. Sullivan also teaches that more than one analyst can access the information where the second analyst can be from a different organization.

With respect to **dependent claim 11**, Sullivan teaches the system wherein said interface processor receives said at least one indicator (a) to (e) (See Figure 13) Sullivan shows an Icon on the left of the journal entry showing the incident has been assigned to the analyst.

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In regard to **Independent claim 12**, Sullivan teaches a system for providing help information supporting user operation of at least one executable application, comprising:

- An interface processor for receiving: user entered data representing a message conveying help information(Sullivan Figures 4-5 and column 7, lines 55-67 and column 8, lines 1-18) Sullivan shows the user selecting and entering a help message and an interface processor that runs a map routine to determine from the users entry the appropriate course of action to take.
- A creation time indicator identifying a creation time of said message(Sullivan column 12, lines 15-20 and Figure 19 and column 14, lines 20-25). Sullivan clearly shows the creation time indicator showing when the message was created (See Figure 19, 160).
- An identifier for identifying a help information repository associated with said message, and a section indicator identifying a section of said help information repository associated with said message(Sullivan Figure 19) Sullivan shows numerous identifiers classifying the information into a category. (E.G. Incident ID, Windows 98 Diagnostics label, etc.) Sullivan also shows sub-categories of information in section 140, where the given context from which the help message originate.
- A data processor for storing said message conveying help information in said help information repository in an order of creation using said creation time indicator(See figure 12 and 19) Sullivan shows the processor displaying the journal information in order based on date.

With respect to **dependent claim 13**, Sullivan teaches the system wherein said data processor stores said message conveying help information in said section identified by said section indicator (See figures 15 and 16) Sullivan shows a repository of categories of information related to the help messages.

With respect to **dependent claim 14**, Sullivan teaches the system wherein said section comprises at least one of: (a) a section accessible to all users and (b) a section accessible by

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particular user and concerning policies and procedures (See column 14, lines 45-67). The history browser is accessible to all users and to a given analyst.

In regard to **Independent claim 15**, Sullivan teaches a system for providing help information supporting user operation of at least one executable application, comprising:

- A command processor for: receiving a request to access help information and including an indicator identifying a particular user interface display image employed by said at least one executable application and associated with said help information request, retrieving help information from a repository in response to said request (Sullivan column 7, lines 34-40).
- Sullivan teaches the interface seen by the analyst is presented with the help message after the user has selected the help message icon. Sullivan also shows retrieving information from the repository related to the request (See figures 14 and 15).
- A display generator for initiating display of at least one image in response to said request, said at least one image including messages conveying help information in a time order of creation and associated with said displayed user interface image employed by said executable application (See figure 16) Sullivan shows the information including the user help messages are displayed conveying the time and data of creation and that they are associated to the given message and application from which the help message originated.

With respect to **dependent claim 16**, Sullivan teaches the system wherein said command processor receives a request to access help information supporting user operation of multiple executable applications and including an indicator identifying a particular user interface display image of a particular executable application (See column 11, lines 30-55).

With respect to **dependent claim 17**, Sullivan teaches the system wherein said time order of creation of said message comprises an order based on at least one of: (a) a time associated with receipt of said message by said interface processor in response to user data entry, (b) a time

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associated with incorporation of said message in said repository, (c) a time associated with entry of said message by a user, (d) a time associated with communication of said message to said repository and (e) a time associated with receipt of said message by said repository (Sullivan figure 12) Sullivan shows the time associated with the entry of the help message. Sullivan also shows the last modified field (See figure 13), which is a time in response to a data entry. Sullivan further shows the time associated with the communication of the help message to the repository (See figure 18, Date column).

With respect to **dependent claim 18**, Sullivan teaches the system wherein said at least one image presents messages conveying help information in time order of creation with a most recently created message being presented first (See column 14, lines 15-46).

With respect to **dependent claim 19**, Sullivan teaches the system wherein said at least one image includes instructions guiding a user in use of functions available in said image (See figures 9-10).

In regard to **Independent claim 20**, Sullivan teaches a system for providing help information supporting user operation of at least one executable application, comprising:

- a display generator for initiating display of at least one help access image in response to user selection of a help icon associated with a user interface image employed by said executable application, said help access image including an image element enabling a user to at least one of: (a) add a message to a help information repository, (b) access user manual information associated with said user interface image employed by said executable application and (c) read information derived from said help information repository including messages conveying help information in a time order of creation and associated with said user interface image employed by said executable application; and a command processor for initiating access to said help information repository in response to user activation of said image element (Sullivan column 7, lines 34-40). Sullivan teaches the interface seen by the analyst is presented with the help message after the user has selected the help message

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icon. Sullivan also shows the message is added to the repository (See figure 12). Sullivan shows the user can read the entries in the journal in the time of creation and by date and Sullivan shows that the user can click on the given map that was run on the machine and access a given repository of information based on the map results highlighting the error (See figures 13 and 14).

In regard to **Independent claim 21**, Sullivan teaches a method for providing help information supporting user operation of at least one executable application, comprising the activities of:

- Receiving: (a) user entered data representing a message conveying help information, (b) an indicator identifying a creation time of said message, (c) an identifier for identifying a help information repository associated with said message (See figure 19 and column 14, lines 1-67). Sullivan shows the system receiving the user message with the help information that was conveyed to the user. Sullivan also shows the id with the time and creation date of the message and shows in the tree section the related information repository used to solve the users problem.
- Storing said message conveying help information in said help information repository in order of creation by using said indicator (See figure 19, bottom) Sullivan shows the information is presented and stored in the display in order of creation (See dates for each message).

In regard to **Independent claim 22**, Sullivan teaches a method for providing help information supporting user operation of at least one executable application, comprising the activities of:

- Receiving a request to access help information and including an indicator identifying a particular user interface display image employed by said executable application and associated with said request (See figure 8-10) Sullivan shows receiving a request for Windows Word 97 service release 1 and how to fix it. Sullivan shows in figure 12, that the incident can be viewed in the interface viewed by the analyst with an indicator identifying that the user is using Word 97 and the information with the appropriate DLL to fix the problem is shown in the map results.

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- Retrieving help information from a repository in response to said request (See Figure 13 and 14)
Sullivan shows the process of retrieving the help information from the repository
- Initiating display of at least one image in response to said request, said at least one image including messages conveying help information in a time order of creation and associated with said user interface display image employed by said executable application (See Figure 16)
Sullivan shows the display of information in response to a help request from the user and where the information in the interface conveys help information to the analyst.

In regard to **Independent claim 23**, Sullivan teaches a method for providing help information supporting user operation of at least one executable application, comprising the activities of:

- Initiating display of at least one help access image in response to user selection of a help icon associated with a user interface image employed by said executable application, said help access image including an image element enabling a user to at least one of: (a) add a message to a help information repository, (b) access user manual information associated with said user interface image employed by said executable application, (c) read information derived from said help information repository including messages conveying help information in a time order of creation and associated with said user interface image employed by said executable application (Sullivan column 7, lines 34-40). Sullivan teaches the interface seen by the analyst is presented with the help message after the user has selected the help message icon. Sullivan also shows the message is added to the repository (See figure 12). Sullivan shows the user can read the entries in the journal in the time of creation and by date and Sullivan shows that the user can click on the given map that was run on the machine and access a given repository of information based on the map results highlighting the error (See figures 13 and 14).
- Initiating access to said help information repository in response to user activation of said image element (See column 14, lines 30-67). Sullivan teaches the user can click on given journal entry to activate the content related to the message.

In regard to **Independent claim 24**, Sullivan teaches a method, comprising the activities of:

- In response to a first single action, presenting a help log comprised by a user-editable help application, the help log corresponding to an operation related to a computer application (column 12, lines 19-30) Sullivan teaches the user opens the incident report and a help log is presented that corresponds to the application that the user seeks help to fix.
- In response to a second single action, providing a user-defined help message to a database, the user-defined help message comprising information related to the operation; and rendering the user-defined help message according to a creation time in the help log (See column 14, lines 1-45) Sullivan teaches the analyst can add a message to the user log with a single second action by either drag-drop or by typing a note and the time of entry is shown when entered.

With respect to **dependent claim 25**, Sullivan teaches the method further comprising: providing a confirmation of a posting of the help message (column 14, lines 20-25).

With respect to **dependent claim 26**, Sullivan teaches the method further comprising: providing a search function (See figure 7 and 17).

With respect to **dependent claim 27**, Sullivan teaches the method further comprising: providing a preview of the user-defined help message (See figure 18) The chat messages are previewed before being sent and added to the log. The information in the log can be added from the repository that contains the help topics.

In regard to **Independent claim 28**, Sullivan teaches a method, comprising the activities of:

- a first single action, accessing a help log comprised by a user-editable help application, the help log corresponding to an operation related to a computer application (column 12, lines 19-30) Sullivan teaches the user opens the incident report and a help log is presented that corresponds to the application that the user seeks help to fix.

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- A second single action, providing a user-defined help message to the user-editable help application, the user-defined help message comprising information related to the operation(See column 14, lines 1-45) Sullivan teaches the analyst can add a message to the user log with a single second action by either drag-drop or by typing a note and the time of entry is shown when entered.
- Perceiving the user-defined help message according to a creation time in the help log (See figure 18).

With respect to **dependent claim 29**, Sullivan teaches the method wherein the help log comprises at least one of: organization information, employee information, policy information, and procedure information (See figures 15-16) Sullivan shows procedural information in the log

With respect to **dependent claim 30**, Sullivan teaches the method wherein the user-defined help message comprises at least one of: organization information, employee information, policy information, and procedure information(See figures 8-10) Sullivan shows procedural information in the messages in the log.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:30 - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SBT


WEILUN LO
SUPERVISORY PATENT EXAMINER